



# भारत का राजपत्र

## The Gazette of India

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EXTRAORDINARY

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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन  
के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed  
as a separate compilation.

### RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 25th November, 1988:—

#### I

#### BILL No. XLIX OF 1988

**A Bill to provide for the establishment of a Central Sports Board and Sports Boards in every District of the country to promote professionalism and standards in sports and matters connected therewith.**

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

- |  |  |
|--|--|
| 1. (1) This Act may be called the Sports Board Act, 1988.  | Short title, extent and commencement.  |
| (2) It extends to the whole of India.  | Definition.                            |
| (3) It shall come into force on such date as Central Government may, by notification in the Official Gazette, appoint.   | Establishment of Central Sports Board. |
| 2. In this Act, unless the context otherwise requires "Board" means the Central Sports Board constituted under section 3.  |  |
| 3. (1) The Central Government shall, by notification in the Official Gazette, establish a Board known as the Central Sports Board with its head office at New Delhi. |  |

(2) The Board shall consist of a Chairman who shall be an expert on any sport and seven other members who shall also be experts on sports and other related fields, who shall be nominated by the Central Government.

Functions  
of the  
Board.

4. The functions of the Board shall be,—

- (a) to promote sports activities throughout the country;
- (b) to provide playgrounds and other infrastructures such as Stadia, pools, to sportsmen;
- (c) to import training to sportsmen;
- (d) to select outstanding sportsmen from schools and colleges and impart training to them for participation in national and international sports events;
- (e) to impart training of international level to deserving sportsmen;
- (f) to supply sports goods, materials, nourishment and health care to sportsmen;
- (g) to select sportsmen for international competitions;
- (h) to prepare professionals in sports and games; and
- (i) to perform such other functions as may be prescribed or as may be supplemental, incidental or consequential to any of the functions provided for in this Act.

Establish-  
ment of  
Sports  
Board  
for each  
District  
in States

5. The Central Board shall in consultation with the Government of a State establish a Sports Board for every District of that State to carry out the purposes of this Act.

Grants  
by the  
Central  
Govern-  
ment.

6. The Central Government shall make available to the Board by way of grants such sums of money, as it may consider necessary to carry out the purposes of this Act.

Power  
to make  
rules.

7. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

## STATEMENT OF OBJECTS AND REASONS

India having the second largest population in the world has shown a very poor performance in all the International and World Sports. The recent Olympic games held in Seoul have brought India's image down in the world of sports. Not a single medal was won in any of the games. There is much politics in the games and no proper care and facilities are being given to the sportsmen in India. The sportsman is not being looked after properly and he is not able to maintain himself so as to meet the International standards. The formation of a Central Sports Board and Sports Boards in all the Districts under the authority of the Central Government is very much needed. The Board will look after the sports from childhood to the old age of a sportsman till he is fully fit for playing the games. There is, therefore, an urgent need of a legislation to achieve this object.

Hence, this Bill.

SURESH PACHOURI

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of a Central Sports Board. Clause 5 provides for the establishment of Sports Boards for each District of the country. Clause 6 provides for the grants by the Central Government to the Board. The Bill, if enacted, will thus involve expenditure from the Consolidated Fund of India. It is likely to involve a recurring expenditure of about rupees one hundred crores per annum.

It is also likely to involve a non recurring expenditure of rupees two crores.

## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to frame rules for carrying out the purposes of this Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

## II

## BILL No. XLVII of 1988

*A Bill to provide for the establishment of an Essential Commodities Procurement and Distribution authority to ensure equitable distribution of essential commodities at a fair price and matters connected therewith.*

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities Procurement and Distribution Authority Act, 1988.  
Short title, extent and commencement.  
(2) It extends to the whole of India.  
(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.
2. In this Act, unless the context otherwise requires,—  
Definitions.  
(a) “Authority” means the Essential Commodities Procurement and Distribution Authority established under section 3;

(b) "Chairman" means the Chairman of the authority;

(c) "essential commodities" means and includes all foodgrains, pulses, spices, domestic fuel including kerosene oil, edible oils, clothes, books and stationary, soaps and other commonly used toilet articles, lifesaving drugs and similar other articles of daily use that may be notified as such by the Central Government from time to time.

Establish-  
ment and  
constitu-  
tion of  
the  
Authority

3. (1) With effect from such date as the Central Government may, by notification in the official Gazette specify in this behalf, there shall be established by the Central Government for the purposes of this Act, an Authority to be called the Essential Commodities Procurement and Distribution Authority with its head office at New Delhi.

(2) The Authority shall consist of the following members, namely:—

(a) a Chairman to be appointed by the Central Government;

(b) three members of Parliament of whom two shall be elected by the House of the People and one by the Council of States;

(c) five members to be appointed by the Central Government as it may think expedient from among persons who are in its opinion capable of representing—

(i) the agriculture sector;

(ii) the Government of the States or Union territories;

(iii) the interest of the fair price shop owners;

(iv) the interest of manufacturers of essential commodities; and

(v) such other person who in the opinion of the Central Government ought to be represented on the Authority.

Procure-  
ment of  
Essential  
Commodi-  
ties by  
the  
Authority

4. Notwithstanding anything contained in any law for the time being in force, the Authority shall procure all essential commodities that are produced in the country by paying adequate price.

Opening of  
Fair  
price  
shops by  
the  
Authority.

5. The Authority, in cooperation with the State Governments, shall open a network of fair price shops throughout the country and at least one such shop shall be opened for every one thousand population or three hundred ration cards.

Fixation of  
prices of  
essential  
commo-  
dities.

6. The Authority shall fix the prices of essential commodities which shall be uniform throughout the country and wide publicity through mass media shall be given to such price fixation.

7. The essential commodities procured by the Authority shall be sold through the Fair Price Shops opened by it.

Fair  
price  
shops to  
sell  
essential  
commo-  
dities.

8. The Authority shall supply adequate essential commodities to the fair price shops so that these items are always available to the consumers.

Avail-  
ability of  
essential  
commo-  
dities  
to be  
main-  
tained.

9. The Central Government may, after due appropriation made by Parliament by law in this behalf, pay to the Authority by way of grants or loans such sums of money as the Central Government may consider necessary to carry out the purposes of this Act.

grants  
and  
loans  
by the  
Central  
Govern-  
ment.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Powers to  
make  
rules.

## STATEMENT OF OBJECTS AND REASONS

The present system of fair price shops in the States is not working well and properly to the expectations of a common man to cater to the needs of his daily life. Very often shortages of items have been found in the fair price shops. People have found that large quantities of essential commodities in these fair price shops are rotten, unhygienic and unfit for the human consumption. As a result people are not happy in purchasing such commodities. There is no proper method of distribution and high corruption is prevalent in these fair price shops without proper check. The time bound items are not distributed. There is no proper co-ordination between the Centre and the States in the maintenance of these fair price shops and also in the supply of items. Therefore, it is high time that all the fair price shops in country come under the direct control of the Central Authority which in turn will give a satisfactory supply of items at reasonable prices to the common people at proper time.

Hence, this Bill.

SURESH PACHOURI

### FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of an essential Commodities Procurement and Distribution Authority. Clause 9 provides for the grants to be made to the Authority by the Government. The Bill, if enacted, would involve expenditure from the Consolidated Fund of India.

At the first instance recurring expenditure of about rupees five hundred crores is likely to be incurred.

A non recurring expenditure of about rupees two crores is also likely to be incurred.

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### MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such delegation of legislative power is of a normal character.

## III

## BILL No. XLVIII OF 1988

*A Bill to provide for the establishment of Child Welfare Boards in every District of the country and matters connected therewith.*

BE it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short title,  
extent  
and  
com-  
mence-  
ment.

1. (1) This Act may be called the Child Welfare Boards Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint, and different dates may be appointed for different States or for different areas within a State.

Defini-  
tions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the State Government and in the case of a Union Territory, the Central Government;

(b) “Board” means the Child Welfare Boards constituted under section 3;

(c) all words and expressions used but not defined in this Act and defined in the Children Act, 1960 shall have the meanings assigned to them in that Act.

3. (1) The appropriate Government may, by notification in the official Gazette, constitute for every district specified in the notification one or more Child Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Boards under this Act.

Child Welfare Boards.

(2) A Board shall consist of a Chairman and five other members of whom one each shall be educationist, health expert, sports expert, cultural expert and psychologist and of whom not less than one shall be a woman.

4. Notwithstanding anything contained in any law for the time being in force, each Board shall,—

Functions of the Boards.

- (a) look after the child in regard to his health, education and proper maintenance;
- (b) decide the type of education to be imparted to every child at every stage;
- (c) provide free education including technical education to every child;
- (d) provide free books, note books, stationery, uniform, transportation and hostel facilities to every child; and
- (e) provide nutritious meals free of cost to every child.

5. The funds of the Boards shall consist of—

Funds of the Boards.

- (a) contributions, subscriptions, donations, or bequests made to it by any person; and
- (b) grants made to it by the appropriate Government.

6. Subject to such rules as may be made by the appropriate Government in this behalf, the Board may, for the purpose of enabling it to perform its functions or exercise its powers efficiently under this Act appoint such officers or other employees as it may think fit and determine their functions and conditions of service.

Staff of the Board.

7. The Central Government may, by notification in the official Gazette, make rules to carry out the purposes of this Act.

Power to make rules.

**STATEMENT OF OBJECTS AND REASONS**

India being an undeveloped country has a large population of un-educated, unemployed and poor. With the result, the upliftment and proper care of the child is not possible. The children which are the future of the country are under nourished and education is not being imparted as per their capacity and capability. The rich people can spend money for the development of their children whereas the large majority of the poor people cannot afford to utilise the natural potentiality of a child. With the result, the potentialities are not made use of and the future of the child remains unutilised. Due to the lack of proper nourishment and proper health care, the children are neglected and become victim of a number of incurable diseases. Therefore, there is great and urgent need to look after the children at a national level. It will provide opportunities to those children who are intelligent and promising but due to poverty their potentiality remains unutilised. It will also help to provide a right direction of education to right children without being driven to do jobs for which they have no aptitude. A Board set up under the proposed legislation will examine the capability and capacity of a child and recommend accordingly steps for the betterment of the child. Such a step will also help to curb the bonded labour and check the drop-outs for schools.

Hence this Bill.

**SURESH PACHOURI**

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the establishment of Child Welfare Boards in every District. Clause 5 provides for the grants to be made to the funds of the Boards by the appropriate Governments; Clause 6 provides for the staff of the Boards. The Bill, if enacted, would involve expenditure from the consolidated fund of India in respect of Union Territories. An annual recurring expenditure of about rupees one hundred crores is likely to be incurred.

A non recurring expenditure, of about rupees two crores is also likely to be incurred.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such delegation of legislative power is of a normal character.

## IV

## BILL No. XLV OF 1988

*A Bill further to amend the Constitution of India*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short title.

1. (1) This Act may be called the Constitution (Amendment) Act, 1988.

Amend-  
ment of  
article  
16.

2. In article 16 of the Constitution, after clause (4), the following clause shall be inserted, namely:—

“(4A) Nothing in this article shall prevent the State from making any provision for the reservation of appointments or posts in favour of physically handicapped persons including the blind and war widows who, in the opinion of the State, are not adequately represented in the services under the State.”

**STATEMENT OF OBJECTS AND REASONS**

Ours is a Welfare State. The Constitution provides equality of opportunity for all citizens in matter relating to employment or appointment to any office under the State irrespective of their religion, race, caste, sex, descent, place of birth, residence or any of them. However, exception in this regard has rightly been made in the case of backward class of citizens under article 16(4). Other classes of citizens, like physically handicapped persons and war widows should also get reservation in services. It is felt that the State should endeavour to improve the condition of these citizens economically and socially.

Hence, this Bill.

**SATYA PRAKASH MALAVIYA**

## V

## BILL No. XLIV of 1988

*A Bill to provide for financial relief to indigent persons and for matters connected therewith.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:

Short title,  
extent  
and com-  
mencement.

1. (1) This Act may be called the Financial Relief to Indigent Persons Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definition.

2. In this Act, unless the context otherwise requires, "indigent person" means and includes a physically handicapped person who is unfit for employment in any useful vocation or who is suffering from any incurable disease having nobody to support him and who has no independent source of livelihood.

**3. (1) Every indigent person shall be entitled to financial relief of rupees three hundred per month:**

Provided that the relief shall not be granted to any person who is already getting financial help to sustain himself from any other source.

**(2) The amount of relief specified in sub-section (1) shall be subject to alteration according to the cost of living index.**

**4. The financial relief specified in section 3 shall be disbursed by the Central and State Social Welfare Boards to the indigent persons.**

Social Welfare Boards to disburse relief.

**5. The Central Government shall, by due appropriation, place at the disposal of the Central and State Social Welfare Boards adequate funds for granting relief to indigent persons under this Act.**

Central Government to adequate funds to Social Welfare Boards.

**6. An indigent person seeking financial relief shall make an application in the prescribed form to the Social Welfare Boards.**

Application for granting relief.

**7. The Central Government may make rules for carrying out the purposes of this Act.**

Power to make rules.

## STATEMENT OF OBJECTS AND REASONS

There are lakhs of people all over the country living in indigent circumstances and others who are suffering from incurable diseases. They find nobody to support them and are in distress. There are other categories of persons who are also in distress and in helpless condition, like the physically handicapped persons. Welfare and well being of all such persons should be the country's prime concern. Government should, therefore, undertake social welfare measures for taking care of all such persons.

Hence, this Bill.

SATYA PRAKASH MALAVIYA

## FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the grant of a monthly relief of rupees three hundred to an indigent person. Clause 3 of the Bill provides that the Central Government shall place at the disposal of the Central and the State Welfare Boards adequate funds for disbursing that relief. There is no precise estimate of the number of persons who will be eligible for such relief but their number will run into lakhs. It is estimated that about rupees one hundred fifty crores per year will be needed for providing relief to the persons in a helpless condition. This is a recurring expenditure and will be met from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 7 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters with respect to which rules may be made are matters of procedure or details. The delegation of the Legislative power is, therefore, of a normal character.

## VI

## BILL NO. XLIII OF 1988

*A Bill to provide for the grant of financial relief to blind persons and for matters connected therewith.*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:—

Short title,  
extent  
and  
commencement.

1. (1) This Act may be called the Financial Relief to Blind Persons Act, 1988.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette appoint and different dates may be appointed in respect of different States.

Definition.

2. In this Act, unless the context otherwise requires, “blind person” means a person who has total absence of sight or vision.

**3. (1) Every blind person shall be entitled to a financial relief of rupees three hundred fifty per month:**

Relief to blind person.

Provided that the relief shall not be granted to any blind person who is already getting financial help from any other source to sustain himself.

**(2) The amount of relief specified in sub-section (1) shall be subject to alteration according to the cost of living index.**

**4. The financial relief specified in section 3 shall be disbursed to blind persons by the Central and State Social Welfare Boards.**

Social Welfare Boards to disburse relief.

**5. The Central Government shall, by due appropriation, place at the disposal of the Central and State Social Welfare Boards adequate funds for granting relief to blind persons under this Act.**

Central Government to give adequate funds to the Social Welfare Boards.

**6. (1) A blind person seeking financial relief under this Act shall make an application in the prescribed form to a Social Welfare Board with whose jurisdiction he resides.**

Application for granting relief.

**(2) The Social Welfare Board shall dispose of the application within a period of ninety days from the date of receipt of such application.**

**7. A medical Certificate issued by the Chief Medical Officer of the District where the applicant resides to the effect that the person concerned is blind shall be conclusive proof of his blindness and shall be accepted as such by the concerned authorities.**

Medical Certificate for blindness.

**8. The Central Government may, by notification in the official Gazette, make rules for carrying out the purposes of this Act.**

Power to make rules.

### STATEMENT OF OBJECTS AND REASONS

Welfare of blind persons should be the country's prime concern. There are lakhs of blind persons all over the country who are suffering from this worst disability and are financially crippled. They have no independent or adequate means of livelihood and spend their days in agony and distress.

Government should, therefore, come out in a big way to undertake social welfare measures for blind persons and to provide financial relief to them to enable them to lead an honourable life.

Hence, this Bill.

SATYA PRAKASH MALAVIYA

## FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the grant of a monthly relief of Rupees three hundred and fifty to every blind person. Clause 4 of the Bill provides that the Central Government shall place at the disposal of Central and State Welfare Boards sufficient funds for disbursing relief and financial assistance. There is no actual estimate of the number of blind persons who may be eligible for such relief and financial assistance but their number may run into several lakhs. It is estimated that about rupees three hundred crores per annum will be required for providing relief and financial assistance to eligible blind persons. This is a recurring expenditure and can be met from the Consolidated Fund of India.

No non-recurring expenditure is likely to be incurred.

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## MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The matters with respect to which rules may be made are matters of procedure or details. The delegation of the Legislative power is, therefore, of a normal character.

## VII

BILL No. XLVI of 1988.

*A Bill further to amend the Indian Penal Code*

Be it enacted by Parliament in the Thirty-ninth Year of the Republic of India as follows:

Short title,  
extent  
and  
commencement.

1. (1) This Act may be called the Indian Penal Code (Amendment) Act.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Substitution of  
new  
section  
for section 499.

2. For section 499 of the Indian Penal Code (hereinafter referred to as the Principal Act) the following section shall be substituted, namely:—

**"499. Defamation**—Whoever makes or publishes any imputation concerning any person intending to harm or knowing or having

45 of 1860.

reason to believe that such imputation will harm the reputation of such person, is said to defame that person.

3. To section 500 of the principal Act, the following proviso shall be inserted, namely:

"Provided that where the offence of defamation is committed by printing or publishing any defamatory matter the term of imprisonment shall not be less than two months unless the court, for reasons to be recorded in writing otherwise directs.

Amend-  
ment of  
section  
500.

## STATEMENT OF OBJECTS AND REASONS

Sections 499 to 502 of Chapter XXI of the Indian Penal Code deal with the Offence of Defamation and the punishment therefor. In their Forty-second Report the Law Commission had suggested certain amendments to these provisions. The Second Press Commission also had, in their Report, submitted in 1984, recommended amendments to the law of defamation in certain respects like protecting the international defamation, fair comment and certain types of privileged statements. In view of the above, it is considered essential to make some amendments to the Indian Penal Code.

Hence this Bill.

RAM NARESH YADAV

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SUDARSHAN AGARWAL,  
*Secretary-General.*